



THE ATTORNEY GENERAL OF TEXAS

CRAWFORD C. MARTIN
ATTORNEY GENERAL

AUSTIN, TEXAS 78711

June 11, 1969

Honorable Robert S. Calvert
Comptroller of Public Accounts
Austin, Texas 78711

Opinion No. M-415

Re: Effective date of Senate
Bill 8, Acts of the 61st
Legislature, Regular Ses-
sion, 1969, an Act pro-
viding for the implementa-
tion of a program of
student teaching.

Dear Mr. Calvert:

Your request for an opinion reads as follows:

"I have attached the following items for
legal interpretation in regard to the effective
date for S.B. 8, 61st Legislature, R.S.:

1. S.B. 8, 61st Legislature, R.S.
2. S.B. 58, 61st Legislature, R.S., pages
5 and 6 of Article IV . . . (Central Education
Agency, Item 21) . . . as contained in the Gen-
eral Appropriations Bill for fiscal year beginning
September 1, 1969.
3. Attorney General's Opinion WW-102.

"Does the language in S.B. 58 as contained
in pages IV-5 and IV-6 create an effective date
for S.B. 8 earlier than September 1, 1970?

"The effective date for S.B. 8 must be
determined to establish the cost of such legis-
lation for certification purposes as required
by State's Constitution, Article III, Section
49a."

Senate Bill 8, Acts of the 61st Legislature, Regular
Session, 1969, provides for a program of student teaching and
appropriates money for the program "for the biennium ending
August 31, 1971."

The effective date of Senate Bill 8, Acts of the 61st Legislature is prescribed in Section 5. Section 5 provides:

"Section 5. This Act shall take effect when Senate Bill 8 has been cited in a General Appropriations Bill, but in no event shall the Act become effective later than September 1, 1970."

In view of the provisions of Section 5 of Senate Bill 8 above quoted, the effective date of Senate Bill 8 is dependent upon whether Senate Bill 8 has been cited in the General Appropriations Bill for the fiscal year beginning September 1, 1969.

You have enclosed with your request that portion of Article IV of Senate Bill No. 58, Acts of the 61st Legislature, Regular Session, 1969 (General Appropriations Bill for the fiscal year beginning September 1, 1969) relating to the allocation of the Foundation School Fund in the appropriation to the Central Education Agency which lists the following statutory citations:

"Senate Bill No. 117, Chapter 335, Acts of the Fifty-first Legislature, Regular Session, 1949 (Article 7083a, Section 2 (4-a), Vernon's Civil Statutes), as amended, and any balances remaining in the Foundation School Fund at the end of such year, to pay the State's part of the Foundation School Program as provided for in Senate Bill No. 116, Chapter 334, Acts of the Fifty-first Legislature, Regular Session, 1949 (Articles 2922-11 to 2922-22, Vernon's Civil Statutes), as amended, and Senate Bill No. 355, Chapter 215, Acts of Fifty-second Legislature, Regular Session, 1951; House Bill No. 51, Chapter 481, and House Bill No. 612, Chapter 430, Acts of the Fifty-sixth Legislature, Regular Session, 1959; House Bill No. 479, Chapter 468, Senate Bill No. 22, Chapter 372, as amended, Senate Bill No. 80, Chapter 260, as amended, Senate Bill No. 51, Chapter 374, and Senate Bill No. 178, Chapter 12, Acts of the Fifty-seventh Legislature, Regular Session, 1961; Senate Bill No. 18, Chapter 40, Acts of the Fifty-seventh Legislature, Third called Session, 1962; House Bill No. 167, Chapter 106, as amended, and House Bill No. 87, Chapter 361, Acts of the

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Fifty-eighth Legislature, Regular Session, 1963, as amended; Senate Bill No. 149, Chapter 545, Senate Bill No. 408, Chapter 448, Senate Bill No. 4, Chapter 438, and Senate Bill 575, Chapter 563, as amended, Acts of the Fifty-ninth Legislature, Regular Session, 1965; House Bill 156, Chapter 451, and House Bill No. 1020, Chapter 706, Acts of the 60th Legislature, Regular Session, 1967."

Senate Bill 8, Acts of the 61st Legislature, Regular Session, 1969, is not included in the list of statutes cited in the language above quoted from the General Appropriations Bill.

You are therefore advised that the language in Senate Bill 58 (General Appropriations Bill for the fiscal year beginning September 1, 1969) as contained on pages IV-5 and IV-6 does not create an effective date for Senate Bill 8 earlier than September 1, 1970.

S U M M A R Y

In view of the language of Section 5 of Senate Bill No. 8, Acts of the 61st Legislature, Regular Session, 1969, providing that "the Act shall take effect when Senate Bill No. 8 has been cited in a General Appropriations Bill but in no event shall it become effective later than September 1, 1970," and in view of the fact that the provisions of Senate Bill No. 58 as contained in the appropriation to the Central Education Agency for the fiscal year beginning September 1, 1969, do not cite said Senate Bill No. 8, Senate Bill No. 58 does not create an effective date for Senate Bill No. 8 earlier than September 1, 1970.

Yours very truly,



CRAWFORD C. MARTIN
Attorney General of Texas

Prepared by John Reeves
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APPROVED:
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